

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

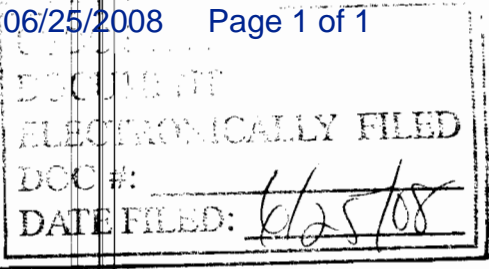
-----X
ERIC BEAN,

Plaintiff,

- against -

ANTHONY NAK, INC., DAVID N. ARMSTRONG,
and ANTHONY CAMARGO,

Defendants.
-----X



08 Civ. 3017 (JES)

ORDER OF DISCONTINUANCE

Counsel to all parties in the above-captioned action having represented to the Court that the parties have agreed upon the terms of a settlement, and the Court having considered all matters raised, it is

ORDERED that the Pre-Trial Conference previously scheduled for June 24, 2008 is hereby cancelled; and it is further

ORDERED that the above-captioned action is hereby discontinued without prejudice to either party to apply on five (5) days' notice for its restoration to the trial calendar of this Court, if said settlement is not consummated; and it is further

ORDERED that the parties shall file a Stipulation of Discontinuance and shall exchange releases within forty five (45) days of the date hereof; and it is further

ORDERED that if the aforementioned Stipulation of Discontinuance is not filed and/or the parties do not apply to restore the above-captioned action to the trial calendar of this Court within said forty five (45) day period, then this Order of Discontinuance shall be deemed a dismissal of all claims, counterclaims and cross claims, with prejudice, and without costs to either party.

Dated: New York, New York
June 25, 2008

John E. Sprizzo
United States District Judge